

Introduced by Senator Ortiz

February 24, 2006

An act to amend Section 3009 of the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1654, as introduced, Ortiz. Voting: absentee ballot.

Existing law authorizes eligible voters to vote by absentee ballot and authorizes a county elections official to deliver an absentee ballot to the absent voter's spouse or parent.

This bill would additionally authorize delivery of an absentee ballot to the absentee voter's child, parent, grandparent, grandchild, sibling, or a person residing in the same household as the absent voter.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3009 of the Elections Code is amended
2 to read:
3 3009. (a) Upon receipt of any absentee ballot application
4 signed by the voter that arrives within the proper time, the
5 elections official should determine if the signature and residence
6 address on the ballot application appear to be the same as that on
7 the original affidavit of registration. The elections official may
8 make this signature check upon receiving the voted ballot, but the
9 signature must be compared before the absent voter ballot is
10 canvassed.
11 (b) If the elections official deems the applicant entitled to an
12 absent voter's ballot he or she shall deliver by mail or in person

1 the appropriate ballot. The ballot may be delivered to the
2 applicant, his or her spouse, ~~or his or her parent if the applicant is~~
3 ~~unmarried~~ child, parent, grandparent, grandchild, sibling, or a
4 *person residing in the same household as the absent voter.* The
5 elections official shall deliver the absentee ballot to the
6 applicant's spouse ~~or parent~~, *child, parent, grandparent,*
7 *grandchild, sibling, or a person residing in the same household*
8 *as the absent voter only if the spouse or parent that person signs*
9 a statement attested to under penalty of perjury that provides the
10 name of the applicant, his or her relationship to the applicant, and
11 affirms that he or she is authorized by the applicant to deliver the
12 absentee ballot.

13 (c) If the elections official determines that an application does
14 not contain all of the information prescribed in Section 3001 or
15 3006, or for any other reason is defective, and the elections
16 official is able to ascertain the voter's address, the elections
17 official shall, within one working day of receiving the
18 application, mail the voter an absent voter's ballot together with
19 a notice. The notice shall inform the voter that the voter's absent
20 voter's ballot shall not be counted unless the applicant provides
21 the elections official with the missing information or corrects the
22 defects prior to, or at the time of, receipt of the voter's executed
23 absent voter's ballot. The notice shall specifically inform the
24 voter of the information that is required or the reason for the
25 defects in the application, and shall state the procedure necessary
26 to remedy the defective application.

27 If the voter substantially complies with the requirements
28 contained in the elections official's notice, the voter's ballot shall
29 be counted.

30 In determining from the records of registration if the signature
31 and residence address on the application appear to be the same as
32 that on the original affidavit of registration, the elections official
33 or registrar of voters may use the duplicate file of affidavits of
34 registered voters or the facsimiles of voter's signatures, provided
35 that the method of preparing and displaying the facsimiles
36 complies with law.